

THE HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P.No.16514 of 1994

22nd September, 2005

Between:

C. Erikalappa, s/o. Chinna Katamaiah,

Aged about 24 years, D.No.1/295/1,

Fourth Road, Ananthapur. .. **Petitioner**

and

The Branch Manager,

Corporation Bank, Ananthapur.

and another .. **Respondents**

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W.P.No.16514 of 1994

ORDER:

The petitioner approached this Court through this Writ of Mandamus seeking to declare the action of the respondents in not regularizing his services as an Attender as illegal and arbitrary.

The petitioner contends that he was appointed as a temporary attender on 27-07-1990 and has been working in the respondent-Corporation Bank, Ananthapur branch since then. When the regular vacancies arose, the respondent-Bank appointed two persons viz., A. Srinivas and B. Narayana, who worked as temporary attenders in the same bank. He further contends that the respondent-Bank is not following any rules or guidelines for the purpose of filling up the vacancies of regular attenders. Though he has been working since four years prior to the date of filing of this writ petition, his services were not regularized. The further grievance of the petitioner is that the respondent-Bank is not maintaining any seniority list as required under Sections 25 G and H of the Industrial Disputes Act (for short 'the Act') and filled up the vacancies by violating the seniority list.

The respondent-Bank opposed the contentions of the petitioner by filing counter affidavit contending that the petitioner was engaged as a temporary employee during the leave vacancy of a permanent sub-staff. The petitioner without exhausting the remedies available under the Act approached this Court seeking extraordinary relief under Article 226 of the Constitution of India. The respondent-Bank further contended that when two permanent vacancies of peons arose at Ananthapur branch, A. Srinivas and B. Narayana, who were on the panel of temporary peons at Ananthapur branch, were considered. A. Srinivas was initially engaged as temporary peon on 04-03-1985 and B. Narayana on 01-04-1987. Interview was

conducted for filling up the vacancies of two permanent peons at Ananthapur branch and those persons were found suitable and appointed on permanent basis. Therefore, there is no force in the contentions of the petitioner that his candidature was not considered and the rules were not followed.

The petitioner is not entitled to be appointed as attender on regular basis as a matter of right. His candidature has to be considered along with others as per the Rules in force.

The petitioner could not specify as to what was his place in the panel of temporary attenders and whether he was ignored despite his seniority over others. In the light of the above circumstances, the petitioner is not entitled for any direction as such, but since the respondent-Bank mentioned that the service of the petitioner would be continued as a temporary attender and would be absorbed on regular basis as and when vacancies arise, it is for the respondent-Bank to consider the candidature of the petitioner for regular appointment in the regular vacancies, if any, after following the procedure prescribed under the Rules.

The writ petition is accordingly disposed of directing the respondents to consider the case of the petitioner for regular appointment according to Rules in force.

Dr.G. YETHIRAJULU, J

Date: 22nd September, 2005

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